



Dkt. 40314-A/JPW/MVM

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Thomas M. Jessell et al.

Serial No : 10/002,278 Examiner: E. O'Hara

Filed : November 2, 2001 Group Art Unit: 1646

For : DORSALIN-1 POLYPEPTIDE AND USES THEREOF

1185 Avenue of the Americas
New York, New York 10036
September 27, 2004

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

**NOTICE OF APPEAL FROM THE EXAMINER'S DECISION
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Applicants hereby appeal to the Board of Patent Appeals and Interferences from the Final Office Action mailed March 26, 2004 finally rejecting the pending claims 43-48 in connection with the above-identified application.

Applicants are concurrently filing a Petition For A Three-Month Extension of Time. With a three-month extension of time, a response to the March 26, 2004 Final Office Action is due September 26, 2004. However, since September 26, 2004 is a Saturday, a response on the next succeeding day which is not a Saturday, Sunday or Federal holiday, i.e. Monday, September 27, 2004, is considered timely under 37 C.F.R. §1.7. Accordingly, this Notice of Appeal is being timely filed.

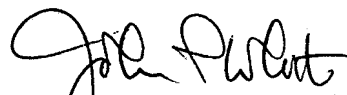
Applicants have previously established small entity status and such status is still applicable. The required fee for filing a Notice of Appeal under 37 C.F.R. §1.17(b) for a small entity is ONE HUNDRED SIXTY-FIVE DOLLARS (\$165.00) and a check for

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this amount is enclosed.

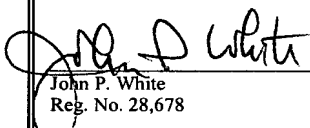
No fee, other than the enclosed \$165.00 fee for filing a Notice of Appeal, is deemed necessary. However, if any additional fee is required, authorization is hereby given to charge the amount of such fee to Deposit Account No. 03-3125.

Respectfully submitted,



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I hereby certify that this correspondence is being deposited this date with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.



John P. White
Reg. No. 28,678

9/27/04
Date